

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Torrance Airport Association, ) Case No.: **CV 24-2692-JFW(MBKx)**  
Plaintiff, ) **SCHEDULING AND CASE MANAGEMENT**  
v. ) **ORDER**  
City of Torrance, )  
Defendants. )

The purpose of this Order is to notify the parties and their counsel of the deadlines and the schedule that will govern this action. SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES. Ordinarily, the dates set forth on the last page are determined after reviewing the parties' Joint Report or consultation with the parties at the Scheduling Conference. Accordingly, the dates and requirements are firm. The Court is very unlikely to grant continuances, even if stipulated to by the parties, unless the parties establish good cause through a concrete showing. **Because this Order in some respects modifies the applicable Local Rules, counsel are advised to read it carefully to avoid default on the obligations established herein. Counsel are advised to pay particular attention to the requirements of the Court with**

1 respect to electronic filing, the filing of motions for  
2 summary judgment, and the documents to be submitted at the  
3 Pre-Trial Conference and Trial.

4 **1. ELECTRONIC FILING AND COURTESY COPIES**

5 The parties shall comply with Section 3 of the Court's  
6 Standing Order with respect to electronic filing and courtesy  
7 copies.

8 **2. DISCOVERY**

9 All discovery shall be completed by the discovery cut-off  
10 date specified on the last page of this Order. **THIS IS NOT**  
11 **THE DATE BY WHICH DISCOVERY REQUESTS MUST BE SERVED; IT IS**  
12 **THE DATE BY WHICH ALL DISCOVERY, INCLUDING EXPERT DISCOVERY,**  
13 **SHALL BE COMPLETED.** The Court does not enforce side  
14 agreements to conduct discovery beyond the discovery cut-off  
15 date.

16 Any motion challenging the adequacy of responses to  
17 discovery must be heard sufficiently in advance of the  
18 discovery cut-off date to permit the responses to be obtained  
19 before that date if the motion is granted.

20 In an effort to provide further guidance to the parties,  
21 the Court notes the following:

22 **(a) Depositions**

23 All depositions shall be scheduled to commence  
24 sufficiently in advance of the discovery cut-off date to  
25 permit their completion and to permit the deposing party  
26 enough time to bring any discovery motions concerning the  
27 deposition prior to the cut-off date.

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1           **(b) Written Discovery**

2           All interrogatories, requests for production of  
3 documents, and requests for admissions shall be served  
4 sufficiently in advance of the discovery cut-off date to  
5 permit the discovering party enough time to challenge (via  
6 motion practice) responses deemed to be deficient.

7           **(c) Discovery Motions**

8           Whenever possible, the Court expects the parties to  
9 resolve discovery issues among themselves in a courteous,  
10 reasonable, and professional manner. If they do so, resort  
11 to the Court for guidance in discovery is seldom necessary.  
12 The Magistrate Judge assigned to this case will rule on  
13 discovery motions and protective orders.

14           **(d) Expert Discovery**

15           If expert witnesses are to be called at trial, the  
16 parties shall designate affirmative experts to be called at  
17 trial and shall provide reports required by Fed.R.Civ.P.  
18 26(a)(2)(B) not later than eight weeks prior to the discovery  
19 cut-off date. Rebuttal expert witnesses shall be designated  
20 and reports provided as required by Fed.R.Civ.P. 26(a)(2)(B)  
21 not later than five weeks prior to the discovery cut-off  
22 date. Any non-retained expert designated by a party as an  
23 affirmative or rebuttal expert shall also prepare and provide  
24 an expert report in the form described by Fed.R.Civ.P.  
25 26(a)(2)(B). Expert witnesses will be bound by the opinions  
26 expressed in their reports prepared in accordance with  
27 Fed.R.Civ.P. 26(a)(2)(B) and will not be permitted to offer  
28 new opinions at trial. Failure to timely comply with this

1 deadline will result in the expert being excluded at trial as  
2 a witness.

3 **3. MOTIONS - GENERAL PROVISIONS**

4 All law and motion matters, except for motions in limine,  
5 must be set for hearing (not filed) by the motion cut-off  
6 date specified on the last page of this Order. The Court  
7 will deny or strike late-filed motions. The title page of  
8 all motions must state the hearing date and time for the  
9 motion, the Pre-Trial Conference date, and the Trial date.

10 Once a party has noticed a motion for hearing on a  
11 particular date, the hearing shall not be continued without  
12 leave of Court. If the Court concludes that a motion can be  
13 resolved without argument, the Court will notify the parties  
14 in advance.

15 If counsel does not intend to oppose a motion, counsel  
16 shall immediately inform the Courtroom Deputy by e-mail and  
17 immediately file a Notice of Non-Opposition in accordance  
18 with the Local Rules. The parties should note that failure  
19 to timely respond to any motion shall be deemed by the Court  
20 as consent to the granting of the motion. See Local Rules.

21 Ex parte practice is strongly discouraged. The Court  
22 will require strict adherence to proper ex parte procedures  
23 for any ex parte application filed with the Court. See Local  
24 Rules and the Court's Standing Order.

25 **(a) Applications and Stipulations to Extend Time**

26 No application or stipulation to extend the time to file  
27 any required document or to continue any date is effective  
28 unless and until the Court approves it. Any application or

1 stipulation to extend the time to file any required document  
2 or to continue any date must set forth the following:

3 (1) the existing due date or hearing date, as well  
4 as all dates set by the Court, including the discovery cut-  
5 off date, the Pre-Trial Conference date, and the Trial date;

6 (2) the new dates proposed by the parties;

7 (3) specific, concrete reasons supporting good  
8 cause for granting the extension; and

9 (4) whether there have been prior requests for  
10 extensions by any party, and whether those requests were  
11 granted or denied by the Court.

12 The application or stipulation must be accompanied by a  
13 separate proposed order. The proposed order shall include  
14 the existing due date(s) or hearing date(s) as well as the  
15 new proposed date(s).

16 Failure to comply with the provisions of this section may  
17 result in the denial of the application or stipulation.

18 **(b) Joinder of Parties and Amendment of Pleadings**

19 The deadline for joining parties and amending pleadings  
20 is sixty days from the date of this Order. Any motions to  
21 join other parties or for leave to amend the pleadings shall  
22 be filed within twenty days of the date of this Order so that  
23 they can be heard and decided prior to the deadline.

24 In addition to the requirements of the Local Rules, all  
25 motions to amend the pleadings shall: (1) state the effect of  
26 the amendment; and (2) state the page, line number(s), and  
27 wording of any proposed change or addition of material. The  
28 parties shall file and deliver to Chambers a redlined version

1 of the proposed amended pleading indicating all additions  
2 and/or deletions of material.

3 **(c) Withdrawal or Substitution of Counsel**

4 The Court will not grant a request for approval of  
5 substitution of counsel after an action has been set for  
6 trial unless: (1) counsel files the request using the most  
7 recent version of the appropriate forms provided on the  
8 Court's website; and (2) the request is accompanied by a  
9 declaration signed by a substituting attorney indicating that  
10 such attorney has been advised of the trial date and will be  
11 prepared to proceed with trial as scheduled. Any request for  
12 substitution of counsel which is not on the proper form or is  
13 not accompanied by a declaration signed by a substituting  
14 attorney as set forth above will be denied.

15 Counsel who wish to withdraw and substitute their client  
16 *pro se* must file a regularly noticed motion to withdraw which  
17 demonstrates good cause for the request to withdraw. The  
18 Court will not consider such a motion unless: (1) the motion  
19 is accompanied by a declaration signed by the client  
20 indicating that the client consents to the withdrawal, has  
21 been advised of the time and date of trial, and will be  
22 prepared to represent themselves *pro se* on the scheduled  
23 trial date; or (2) the Court is otherwise satisfied for good  
24 cause shown that the attorney should be permitted to  
25 withdraw.

26 **4. SUMMARY JUDGMENT MOTIONS**

27 The Court will only entertain ONE summary judgment motion  
28 by a party. In the event a party believes that more than one

1 summary judgment motion is necessary to expedite the  
2 resolution of issues in the action, the party must obtain  
3 leave of court to file more than one summary judgment motion.  
4 The Court will require strict adherence to the following  
5 requirements:

6 **(a) Statement Of Uncontroverted Facts and Conclusions of**  
7 **Law and Statement of Genuine Disputes of Material**  
8 **Fact**

9 The Statement of Uncontroverted Facts and Conclusions of  
10 Law is to be prepared in a two column format. The left hand  
11 column should set forth the allegedly undisputed fact or  
12 conclusion of law. The right hand column should set forth  
13 the evidence that supports the factual statement or  
14 conclusion of law. The factual statements and conclusions of  
15 law should be set forth in sequentially numbered paragraphs.  
16 Each paragraph should contain a narrowly focused statement of  
17 fact or conclusion of law. Each numbered paragraph should  
18 address a single subject in as concise a manner as possible.

19 The opposing party's Statement of Genuine Disputes of  
20 Material Fact must track the movant's Statement of  
21 Uncontroverted Facts exactly as prepared. The document must  
22 be in two columns; the left hand column must restate the  
23 allegedly undisputed fact, and the right hand column must  
24 restate the moving party's evidence in support of the fact,  
25 and indicate either undisputed or disputed. The opposing  
26 party may dispute all or only a portion of the statement, but  
27 if disputing only a portion, must clearly indicate what part  
28 is being disputed. Where the opposing party is disputing the

1 fact in whole or part, the opposing party must, in the right  
2 hand column, set forth the evidence controverting the fact.  
3 Where the opposing party is disputing the fact on the basis  
4 of an evidentiary objection, the party must cite to the  
5 evidence alleged to be objectionable and state the ground of  
6 the objection and nothing more. Counsel are reminded that  
7 unwarranted factual denials made in the context of a Summary  
8 Judgment Motion are subject to Rule 11 sanctions. **No**  
9 **argument should be set forth in this document.**

10 The opposing party may submit additional material facts  
11 that bear on or relate to the issues raised by the movant,  
12 which shall follow the format described above for the moving  
13 party's Statement of Uncontroverted Facts. These additional  
14 facts shall follow the movant's facts, shall continue in  
15 sequentially numbered paragraphs (*i.e.*, if movant's last  
16 statement of fact was set forth in paragraph 30, then the  
17 first new fact will be set forth in paragraph 31), and the  
18 evidence that supports the new fact shall be set forth in the  
19 right hand column.

20 The moving party, together with its reply, shall file a  
21 separate document entitled "Combined Statement of Facts" that  
22 (1) restates the entirety of the opposing party's Statement  
23 of Genuine Disputes of Material Fact and (2) responds to any  
24 additional facts in the same manner and format that the  
25 opposing party must follow in responding to the Statement of  
26 Uncontroverted Facts, as described above.

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**(b) Supporting Evidence**

No party should submit any evidence other than the specific items of evidence or testimony necessary to support or controvert a proposed statement of undisputed fact. Thus, for example, entire sets of interrogatory responses, or documents that do not specifically support or controvert material in the Statements should not be submitted in support of or in opposition to a motion for summary judgment. Any such material will not be considered.

Evidence submitted in support of or in opposition to a motion for summary judgment should be submitted either by way of stipulation or as exhibits to declarations sufficient to authenticate the proffered evidence, and should not be attached to the memorandum of points and authorities. The Court will accept counsel's authentication of deposition transcripts, written discovery responses, and the receipt of documents in discovery if the fact that the document was in the opponent's possession is of independent significance. Documentary evidence as to which there is no stipulation regarding foundation must be accompanied by the testimony, either by declaration or properly authenticated deposition transcript, of a witness who can establish its authenticity.

All exhibits submitted in support of, and in opposition to, a motion for summary judgment shall be consecutively numbered; no two exhibits shall bear the same number. For example, if the moving party submits one declaration and one request for judicial notice, with four exhibits attached to each document, the exhibits attached to the declaration shall

1 be marked 1 through 4, and the exhibits attached to the  
2 request for judicial notice shall be marked 5 through 8. The  
3 opposing party's exhibits shall then commence with number 9.  
4 Immediately above or below the page number on each page of an  
5 exhibit, the parties shall mark "[Party Name]'s Summary  
6 Judgment Exhibit No. \_\_\_\_".

7 All exhibits shall be separately filed on CM/ECF, and  
8 each exhibit on the docket shall include a meaningful  
9 description such that the exhibit can be easily identified.  
10 For example, if a declaration in support of a motion for  
11 summary judgment appears as Docket No. 30, exhibit 1 to the  
12 declaration should be filed as Docket No. 30-1 with a  
13 description of the exhibit that includes the title of the  
14 exhibit and the exhibit number (e.g., Exhibit 1: Letter from  
15 John Doe to Jane Doe dated January 1, 2021). Exhibit 2 to  
16 the declaration should be filed as Docket No. 30-2 with a  
17 description of the exhibit which includes the title of the  
18 exhibit and exhibit number (Exhibit 2: Letter from Jane Doe  
19 to John Doe dated January 2, 2021), and so on.

20 In addition to the foregoing, any party who offers  
21 deposition testimony in support of or in opposition to a  
22 motion for summary judgment shall prepare and file a separate  
23 document for each deponent which contains only those  
24 questions and answers, and any objections made at the time of  
25 the deposition to those questions, that a party is relying on  
26 to support their motion, with a citation to the appropriate  
27 page and line number(s) in the deposition transcript.

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1 The parties shall also deliver to chambers (but not file)  
2 one copy of the entire deposition transcript (single-sided  
3 condensed transcript including the word index) of each  
4 deposition referenced. The deposition transcripts shall be  
5 placed in a slant D-ring binder with each transcript  
6 separated by a tab divider on the right side and three-hole  
7 punched at the left margin with the oversized 13/32" hole  
8 size, not the standard 9/32" hole size. The deposition  
9 transcript binder shall include a Table of Contents and the  
10 spine of each binder shall be labeled with its contents.

11 Courtesy Copies of all evidence in support of and in  
12 opposition to a motion for summary judgment shall be provided  
13 to the Court in accordance with Section 3 of the Court's  
14 Standing Order.

15 In addition to the foregoing, the parties shall meet and  
16 confer and prepare two binders, one binder containing a joint  
17 set of all exhibits relied on by the parties in support of  
18 and in opposition to the motion for summary judgment ("Joint  
19 Exhibit Binder"), and the other binder containing a joint set  
20 of all declarations relied on by the parties in support of  
21 and in opposition to the motion for summary judgment ("Joint  
22 Declarations Binder"). The parties shall file the Joint Set  
23 of Exhibits with a cover page titled "Joint Set of Exhibits"  
24 and the Joint Set of Declarations with a cover page titled  
25 "Joint Set of Declarations" with the Reply. The parties  
26 shall also deliver to Chambers Courtesy Copies of both the  
27 Joint Exhibit Binder and Joint Declarations Binder in  
28 accordance with Section 3 of the Court's Standing Order.

1 The Joint Exhibit Binder and Joint Declarations Binder  
2 shall include a Table of Contents, and the spine of each  
3 binder shall be labeled with its contents. The Table of  
4 Contents for the Joint Exhibit Binder and Joint Declarations  
5 Binder shall specifically describe each summary judgment  
6 exhibit or declaration and include a citation to each  
7 paragraph number in the Combined Statement of Facts that  
8 refers to the exhibit or declaration (e.g. Plaintiff's  
9 Summary Judgment Exhibit No. 1 - Letter from John Doe to Jane  
10 Doe dated January 1, 2007 Re: Reasons for Jane Doe's  
11 termination) (Combined Statement of Facts Nos. 2, 8, 10). In  
12 preparing the Table of Contents, counsel should not create a  
13 new set of exhibit numbers. Counsel shall use the same  
14 exhibit numbers that were used to identify the documents in  
15 the Motion for Summary Judgment.

16 When filing the Joint Set of Exhibits and Joint Set of  
17 Declarations electronically, each exhibit or declaration  
18 shall be separately filed on CM/ECF and the description of  
19 the exhibit or declaration on the docket shall track the  
20 description of the exhibit or declaration in the Table of  
21 Contents.

22 **(c) Objections to Evidence**

23 If a party disputes a fact based in whole or in part on  
24 an evidentiary objection, the ground for the objection, as  
25 indicated above, should be stated in the Statement of Genuine  
26 Disputes of Material Fact or Combined Statement of Facts but  
27 not argued in that document. Evidentiary objections are to  
28 be addressed in a separate memorandum to be filed with the

1 opposition or reply brief of the party. This memorandum  
2 should be organized to track the paragraph numbers of the  
3 Statement of Genuine Disputes of Material Fact or Combined  
4 Statement of Facts in sequence. It should identify the  
5 specific item of evidence to which objection is made, or in  
6 the case of deposition testimony it should quote the relevant  
7 testimony, the ground for the objection, and a very brief  
8 argument with citation to authority as to why the objection  
9 is well taken. The following is an example of the format  
10 required by the Court:

11 Combined Statement of Facts Paragraph 10: Objection to  
12 the supporting deposition testimony of Jane Smith [quote  
13 testimony] at 60:1-10 on the grounds that the statement  
14 constitutes inadmissible hearsay and no exception is  
15 applicable. To the extent it is offered to prove  
16 her state of mind, it is irrelevant because her  
17 state of mind is not in issue. Fed. R. Evid. 801,  
18 802.

19 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE**  
20 **OPPONENT'S STATEMENT OF FACTS. THESE WILL BE DISREGARDED AND**  
21 **OVERRULED.**

22 **(d) The Memorandum of Points and Authorities**

23 The movant's memorandum of points and authorities should  
24 be in the usual form required under Local Rules and should  
25 contain a narrative statement of facts as to those aspects of  
26 the case that are before the Court. All facts should be  
27 supported with citations to the paragraph number in the

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1 Statement of Uncontroverted Facts that supports the factual  
2 assertion and not to the underlying evidence.

3 Unless the case involves some unusual twist, the motion  
4 need only contain a brief statement of the Fed.R.Civ.P. 56  
5 standard; the Court is familiar with the Rule and with its  
6 interpretation under *Celotex* and its progeny. If at all  
7 possible, the argument should be organized to focus on the  
8 pertinent elements of the claim(s) for relief or defense(s)  
9 at issue, with the purpose of showing the existence or non-  
10 existence of a genuine issue of material fact for trial on  
11 that element of the claim or defense.

12 Likewise, the opposition memorandum of points and  
13 authorities should be in the usual form required by the Local  
14 Rules. Where the opposition memorandum sets forth facts,  
15 those facts should be supported with citations to the  
16 paragraph number in the Statement of Genuine Disputes of  
17 Material Fact and not to the underlying evidence.

18 **(e) Proposed Statement of Decision**

19 No more than two days after the deadline for filing the  
20 Reply, each party shall lodge a Proposed Statement of  
21 Decision, which shall contain a statement of the relevant  
22 facts and applicable law with citations to case law and the  
23 record. The Proposed Statement of Decision shall not exceed  
24 twenty pages and shall be in a form that would be appropriate  
25 for the Court to enter as its final order on the motion. The  
26 Proposed Statement of Decision shall be submitted to the  
27 Court in accordance with the Local Rules and shall be  
28 e-mailed in WordPerfect or Word format to the Chambers'

1 e-mail address (JFW\_Chambers@cacd.uscourts.gov) at the time  
2 of filing. Failure to lodge the Proposed Statement of  
3 Decision will result in the denial or granting of the motion.

4 **(f) Timing**

5 Parties should not wait until the motion cut-off date to  
6 bring motions for summary judgment or partial summary  
7 judgment. Early completion of non-expert discovery and  
8 filing of motions for summary judgment may eliminate or  
9 reduce the need for expensive expert depositions which are  
10 normally conducted in the last stages of discovery.

11 **Caveat: Failure of the moving party to comply with these**  
12 **procedures regarding summary judgment motions will result in**  
13 **the denial of the Motion for Summary Judgment. If a party**  
14 **fails to respond to a Motion for Summary Judgment, the Court**  
15 **will assume that the material facts as claimed and adequately**  
16 **supported by the moving party are admitted to exist without**  
17 **controversy, which will likely result in the granting of the**  
18 **Motion for Summary Judgment.**

19 **5. MOTIONS IN LIMINE**

20 The Court will only entertain a maximum of five motions  
21 in limine by a party. In the event a party believes that  
22 more than five motions in limine are necessary, the party  
23 must obtain leave of Court to file more than five motions in  
24 limine. The Court will not hear or resolve motions in limine  
25 that are disguised summary judgment motions. No application  
26 to file under seal will be granted with respect to a motion  
27 in limine or any documents submitted with the motion in  
28 limine.

1 Before filing any motion in limine, lead counsel for the  
2 parties shall confer in a good faith effort to eliminate the  
3 necessity for hearing the motion in limine or to eliminate as  
4 many of the disputes as possible. It shall be the  
5 responsibility of counsel for the moving party to arrange for  
6 this conference. The conference shall take place in person  
7 within ten calendar days of service upon opposing counsel of  
8 a letter requesting such conference, but in no event later  
9 than twenty-one days before the Pre-Trial Conference. Unless  
10 counsel agree otherwise, the conference shall take place at  
11 the office of the counsel for the moving party. If lead  
12 counsel are not both located within the Central District, the  
13 conference may take place via video (letters and e-mail, for  
14 example, do not constitute a proper conference).

15 The moving party's letter shall identify the testimony,  
16 exhibits, or other specific matters alleged to be  
17 inadmissible and/or prejudicial, shall state briefly with  
18 respect to each such matter the moving party's position (and  
19 provide any legal authority that the moving party believes is  
20 dispositive), and shall specify the terms of the order to be  
21 sought.

22 If counsel are unable to resolve their differences, they  
23 shall prepare and file a separate, sequentially numbered  
24 Joint Motion in Limine for each issue in dispute which  
25 contains a clear caption which identifies the moving party  
26 and the nature of the dispute (e.g., "Plaintiff's Motion in  
27 Limine #1 to exclude the testimony of Defendant's expert").  
28 Each Joint Motion in Limine shall consist of one document



1 signed by all counsel. The Joint Motion in Limine shall  
2 contain a clear identification of the testimony, exhibits, or  
3 other specific matters alleged to be inadmissible and/or  
4 prejudicial and a statement of the specific prejudice that  
5 will be suffered by the moving party if the motion is not  
6 granted. The identification of the matters in dispute shall  
7 be followed by each party's contentions and each party's  
8 memorandum of points and authorities. The title page of the  
9 Joint Motion in Limine must state the Pre-Trial Conference  
10 date, hearing date for the motions in limine, and Trial date.

11 Joint Motions in Limine made for the purpose of  
12 precluding the mention or display of inadmissible and/or  
13 prejudicial matter in the presence of the jury shall be  
14 accompanied by a declaration that includes the following:  
15 (1) a clear identification of the specific matter alleged to  
16 be inadmissible and/or prejudicial; (2) a representation to  
17 the Court that the subject of the motion in limine has been  
18 discussed with opposing counsel, and that opposing counsel  
19 has either indicated that such matter will be mentioned or  
20 displayed in the presence of the jury before it is admitted  
21 in evidence or that counsel has refused to stipulate that  
22 such matter will not be mentioned or displayed in the  
23 presence of the jury unless and until it is admitted in  
24 evidence; and (3) a statement of the specific prejudice that  
25 will be suffered by the moving party if the motion in limine  
26 is not granted.

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1 Unless ordered by the Court, no supplemental or separate  
2 memorandum of points and authorities shall be filed by either  
3 party in connection with any motion in limine.

4 The Court's Courtesy Copies shall be provided to the  
5 Court in accordance with Section 3 of the Court's Standing  
6 Order.

7 The Court will not consider any motion in limine in the  
8 absence of a joint motion or a declaration from counsel for  
9 the moving party establishing that opposing counsel: (1)  
10 failed to confer in a timely manner; (2) failed to provide  
11 the opposing party's portion of the joint motion in a timely  
12 manner; or (3) refused to sign and return the joint motion  
13 after the opposing party's portion was added.

14 Unless otherwise ordered by the Court, motions in limine  
15 should be filed and will be heard on the dates specified on  
16 the last page of this Order. Unless the Court in its  
17 discretion otherwise allows, no motions in limine shall be  
18 filed or heard on an ex parte basis, absent a showing of  
19 irreparable injury or prejudice not attributable to the lack  
20 of diligence of the moving party.

21 The failure of any counsel to comply with or cooperate in  
22 the foregoing procedures will result in the imposition of  
23 sanctions, including a resolution of the issue against the  
24 party refusing to cooperate.

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1     **6.     PRE-TRIAL CONFERENCE AND LOCAL RULE 16 FILINGS**

2             **(a)     General Provisions**

3             The Pre-Trial Conference ("PTC") will be held on the date  
4 specified on the last page of this Order, unless the Court  
5 expressly waived a PTC.

6             The lead trial attorney on behalf of each party shall  
7 attend both the PTC and all meetings of the parties in  
8 preparation for the PTC, unless excused for good cause shown  
9 in advance of the PTC.

10            A continuance of the PTC at the parties' request or by  
11 stipulation is highly unlikely.     **Specifically, failure to**  
12 **complete discovery is not a ground for continuance.**

13            At the PTC, the parties should be prepared to discuss  
14 means of streamlining the trial, including, but not limited  
15 to: bifurcation; presentation of foundational and non-  
16 critical testimony and direct testimony by deposition  
17 excerpts; narrative summaries and/or stipulations as to the  
18 content of testimony; presentation of testimony on direct  
19 examination by affidavit or by declaration subject to cross-  
20 examination; and qualification of experts by admitted  
21 resumes.     The Court will also discuss settlement.

22            **(b)     Form of Pre-Trial Conference Order ("PTCO")**

23            The proposed PTCO shall be filed by the date specified on  
24 the last page of this Order.     Adherence to this time  
25 requirement is necessary for in-chambers preparation of the  
26 matter.     The PTCO shall include the date of the L.R. 16-2  
27 conference and the names of each attorney in attendance at  
28 the L.R. 16-2 conference.     The form of the proposed PTCO

1 shall comply with Appendix A to the Local Rules and the  
2 following:

3 (1) Place in "ALL CAPS" and in **bold** the separately  
4 numbered headings for each category in the PTCO (e.g., "**1.**  
5 **THE PARTIES**" or "**7. CLAIMS AND DEFENSES OF THE PARTIES**").

6 (2) Include a Table of Contents at the beginning.

7 (3) In specifying the surviving pleadings, state  
8 which claims or counterclaims have been dismissed or  
9 abandoned (e.g., "Plaintiff's second cause of action for  
10 breach of fiduciary duty has been dismissed."). Also, in  
11 multiple party cases where not all claims or counterclaims  
12 will be prosecuted against all remaining parties on the other  
13 side, specify to which party each claim or counterclaim  
14 is directed.

15 (4) In drafting the PTCO, the Court expects that  
16 the parties will attempt to agree on and set forth as many  
17 uncontested facts as possible. A carefully drafted and  
18 comprehensively stated stipulation of facts will assist the  
19 Court in preparing for the Pre-Trial Conference.

20 **(5) In specifying the parties' claims and defenses**  
21 **in Section 7 of the PTCO, each party shall closely follow the**  
22 **examples set forth in Appendix A of the Local Rules.**

23 (6) The Court may submit fact issues to the jury in  
24 the form of findings on a special verdict form. The issues  
25 of fact should track the elements of a claim or defense on  
26 which the jury will be required to make findings.

27 (7) If expert witnesses are to be called at trial,  
28 each party must list and identify its respective expert

1 witnesses, both retained and non-retained. Failure of a  
2 party to list and identify an expert witness in the PTCO  
3 shall preclude the party from calling that expert witness at  
4 trial.

5 **(c) Rule 16 Filings; Memoranda; Witness Lists; Exhibit**  
6 **Lists; Numbering of Exhibits**

7 The parties must comply fully with the requirements of  
8 Local Rule 16. They shall file carefully prepared Memoranda  
9 of Contentions of Fact and Law (which may also serve as the  
10 trial brief), along with their respective Witness Lists and  
11 Exhibit Lists, in accordance with the Local Rules unless  
12 otherwise noted or modified by this Order.

13 Trial Exhibits shall be numbered in accordance with this  
14 Order and not the Local Rules. Prior to the Local Rule 16-2  
15 meeting, the parties shall designate the approximate number  
16 of exhibits they each intend to offer at trial and then  
17 assign a range of numbers for that party to use in numbering  
18 its exhibits. For example, the parties may assign numbers 1  
19 through 50 to Plaintiff, and numbers 51 through 100 to  
20 Defendant. Plaintiff shall then sequentially number its  
21 trial exhibits from 1 to 50; Defendant shall sequentially  
22 number its exhibits from 51 to 100. No two exhibits shall  
23 bear the same number. The Court recognizes that not all  
24 assigned numbers may be used by the parties, and that there  
25 may be gaps in the numerical sequence on the Exhibit List and  
26 Pre-trial Exhibit Stipulation. Once an exhibit has been  
27 assigned an exhibit number in the Exhibit List or Pre-trial  
28

1 Exhibit Stipulation filed with the Court, that exhibit number  
2 shall not change and shall be used for that exhibit at trial.

3 **(d) Summary of Witness Testimony and Time Estimates**

4 Counsel shall prepare a list of their witnesses,  
5 including a brief summary (two to three paragraphs) of each  
6 witness's expected testimony, an estimate of the length of  
7 time needed for direct examination, and whether the witness  
8 will testify by deposition or in person. Counsel shall  
9 exchange these lists with opposing counsel. **Counsel shall**  
10 **jointly file a single list of witness testimony summaries,**  
11 **including estimates for direct examination of their own**  
12 **witnesses and estimates for cross-examination of opposing**  
13 **witnesses.** The joint witness testimony summaries shall be  
14 filed at the same time counsel submit the PTCO. If a party  
15 intends to offer deposition testimony into evidence at trial,  
16 the party shall comply with the Local Rules.

17 **(e) Pre-Trial Exhibit Stipulation**

18 The parties shall prepare a Pre-Trial Exhibit Stipulation  
19 which shall contain each party's numbered list of all trial  
20 exhibits, with objections, if any, to each exhibit including  
21 the basis of the objection and the offering party's response.  
22 All exhibits to which there is no objection shall be deemed  
23 admitted. The parties shall also identify each witness they  
24 anticipate will testify about and/or lay the foundation for  
25 the exhibit. All parties shall stipulate to the authenticity  
26 of exhibits whenever possible, and the Pre-Trial Exhibit  
27 Stipulation shall identify any exhibits for which  
28

1 authenticity has not been stipulated to and the specific  
2 reasons for the party's failure to stipulate.

3 The Pre-Trial Exhibit Stipulation shall be substantially  
4 in the following form:

5 Pre-Trial Exhibit Stipulation

6 Plaintiff(s)' Exhibits

7 Number Description Witness If Objection, State Grounds Response to Objection

8 Defendant(s)' Exhibits

9 Number Description Witness If Objection, State Grounds Response to Objection

10 The Pre-Trial Exhibit Stipulation shall be filed at the  
11 same time counsel file the PTCO. Failure to comply with this  
12 paragraph shall constitute a waiver of all objections.

13 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE**  
14 **OPPOSING PARTY'S EXHIBITS. THESE WILL BE DISREGARDED AND**  
15 **OVERRULED.**

16 **(f) Jury Instructions, Verdict Forms, Special**  
17 **Interrogatories**

18 Fourteen days before the required Local Rule 16-2  
19 meeting, the parties shall exchange proposed jury  
20 instructions, verdict forms, and, if necessary, special  
21 interrogatories. Seven days before the meeting, counsel  
22 shall exchange written objections, if any, to the proposed  
23 jury instructions, verdict forms, and special  
24 interrogatories. At the required meeting, lead counsel shall  
25 confer with the objective of submitting one set of agreed  
26 upon instructions, a verdict form, and, if necessary, special  
27 interrogatories.

28 / / /

1 If lead counsel agree upon one complete set of jury  
2 instructions, they shall file a joint set of proposed jury  
3 instructions, arranged in a logical sequence with each  
4 instruction sequentially numbered, and identified as  
5 "Stipulated Instruction No. \_\_ Re \_\_\_\_\_," with the blanks  
6 filled in as appropriate. If the parties cannot agree upon  
7 one complete set of jury instructions, they shall file the  
8 following two joint documents with the Court:

9 (1) A joint set of proposed jury instructions  
10 arranged in a logical sequence with each instruction  
11 sequentially numbered. If undisputed, an instruction shall  
12 be identified as "Stipulated Instruction No. \_\_ Re \_\_\_\_\_,"  
13 with the blanks filled in as appropriate. If disputed, each  
14 alternate version of the disputed instruction shall be  
15 inserted together (back to back) in their logical place in  
16 the overall sequence. Each such disputed instruction shall  
17 be identified as "Disputed Instruction No. \_\_ Re \_\_\_\_\_  
18 Proposed By \_\_\_\_\_," with the blanks filled in as  
19 appropriate. All disputed versions of an instruction shall  
20 bear the same instruction number. If a party does not have a  
21 counter-version of an instruction and simply contends no such  
22 instruction should be given, then that party should so state  
23 (and explain why) on a separate page inserted in lieu of an  
24 alternate version; and

25 (2) A joint memorandum of law in support of each  
26 party's disputed instructions, organized by instruction  
27 number. The joint memorandum of law shall quote the text of  
28 each disputed instruction and shall set forth each party's



1 respective position and legal authority, immediately after  
2 the text of each disputed instruction.

3 Each proposed instruction, whether agreed upon or  
4 disputed, shall (a) be set forth in full on a separate page;  
5 (b) embrace only one subject or principle of law; (c) cite to  
6 the legal authority for or source of the instruction; and (d)  
7 reference the claim for relief to which the instruction  
8 relates with a citation to Section 7 of the PTCO.

9 **A Table of Contents shall be included with all jury**  
10 **instructions submitted to the Court.** The Table of Contents  
11 shall set forth the following:

- 12 (1) The number of the instruction;  
13 (2) A brief title of the instruction;  
14 (3) Whether it is undisputed or disputed;  
15 (4) The source of the instruction; and  
16 (5) The page number of the instruction.

17 For example:

18	<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page No.</u>
19	1	Burden of Proof	9th Cir. Man.	5
20		(Undisputed)	of Model Jury	
			Instr. 5.1	

21 The Court directs counsel to use the instructions from  
22 the Ninth Circuit Manual of Model Jury Instructions (West  
23 Publishing, most recent edition) where applicable. Where  
24 California law is to be applied and the above instructions  
25 are not applicable, the Court prefers counsel to use the  
26 Judicial Council of California Civil Jury Instructions  
27 ("CACI") (LexisNexis Matthew Bender, most recent edition).  
28 If neither of these sources is applicable, counsel are

1 directed to use the instructions from O'Malley, Grenig and  
2 Lee, Federal Jury Practice and Instructions (West Group, most  
3 recent edition). Any modifications made to the original form  
4 instruction from the foregoing sources (or any other form  
5 instructions) must be specifically identified, along with the  
6 authority supporting the modification. **Counsel shall not**  
7 **submit proposed preliminary instructions that are given to**  
8 **the jury prior to opening statements.**

9 If the parties agree upon a verdict form and/or special  
10 interrogatories, they shall file a joint verdict form and/or  
11 special interrogatories, with the questions arranged in a  
12 logical sequence. If the parties cannot agree upon a verdict  
13 form and/or special interrogatories, they shall file a joint  
14 document containing each party's alternative version along  
15 with a brief explanation of each party's respective position.

16 The joint set of proposed jury instructions, the joint  
17 memorandum of law, and verdict form(s) and/or special  
18 interrogatories are to be filed with the PTCO and other Local  
19 Rule 16 documents. Courtesy Copies shall be provided to the  
20 Court in accordance with Section 3 of the Court's Standing  
21 Order. **In addition, the parties shall e-mail the joint set**  
22 **of proposed jury instructions, joint memorandum of law, and**  
23 **verdict form(s) and/or special interrogatories in WordPerfect**  
24 **or Word format to the Chambers' e-mail address**  
25 **(JFW\_Chambers@cacd.uscourts.gov) at the time of filing.**

26 Immediately after the Court's final ruling on the  
27 disputed jury instructions, counsel shall file one final  
28 "clean set" of jury instructions, which shall be sent into

1 the jury room for the jury's use during deliberations. The  
2 "clean set" shall contain only the text of each instruction  
3 set forth in full on each page, with the caption "Court's  
4 Instruction No. \_\_\_\_" (eliminating supporting authority,  
5 citations to the PTCO, etc.). Counsel shall also e-mail the  
6 final "clean set" of jury instructions in WordPerfect or Word  
7 format to the Chambers' e-mail address  
8 (JFW\_Chambers@cacd.uscourts.gov) at the time of filing.

9 **Caveat: The failure of any counsel to comply with or**  
10 **cooperate in all of the foregoing procedures regarding jury**  
11 **instructions and/or verdict forms will constitute a waiver of**  
12 **all objections to the jury instructions and/or verdict form**  
13 **used by the Court or will constitute a waiver of jury trial**  
14 **and/or the striking of the jury demand.**

15 **(g) Real-Time Reporting Requirement**

16 Each party must file with the Court, at the same time  
17 counsel submit the PTCO, a document for the Court Reporter  
18 which contains proper names, unusual or scientific terms, or  
19 any foreign or uncommon words that are likely to be used by  
20 the parties during the PTC and the Trial. Each party shall  
21 also e-mail a copy of the document to the Chambers' e-mail  
22 address (JFW\_Chambers@cacd.uscourts.gov) at the time of  
23 filing.

24 **(h) Joint Statement of the Case and Requests for Voir**  
25 **Dire**

26 Three days prior to the Pre-Trial Conference, the parties  
27 shall file their proposed voir dire questions and their joint  
28 statement of the case which the Court shall read to all

1 prospective jurors prior to the commencement of voir dire. The  
2 statement should be not longer than two or three paragraphs.

3 The Court conducts voir dire of all prospective jurors.  
4 The parties need not submit requests for standard voir dire  
5 questions, such as education, current occupation, marital  
6 status, prior jury service, etc., but should include only  
7 proposed questions specifically tailored to the parties and  
8 issues of the case.

9 **7. COURT TRIALS**

10 **(a) Declarations of Witness Direct Testimony**

11 Counsel in non-jury trials shall submit the direct  
12 testimony of their witnesses in writing in declarations  
13 executed under penalty of perjury. These declarations shall  
14 be in admissible form with an appropriate foundation  
15 established for the declarant's statements. Paragraphs in  
16 each declaration shall be numbered consecutively to facilitate  
17 the identification of paragraphs for evidentiary objections.  
18 Any exhibits which are attached to a witness declaration shall  
19 be numbered consistently with the number of the exhibit on the  
20 Pre-Trial Exhibit Stipulation.

21 Counsel are to exchange and file these declarations at  
22 least fourteen calendar days before trial, unless otherwise  
23 ordered by the Court. Courtesy Copies shall be provided to  
24 the Court in accordance with Section 3 of the Court's Standing  
25 Order.

26 Eleven calendar days before trial, counsel may file  
27 evidentiary objections to those declarations. Counsel shall  
28 prepare a separate document for each declaration for which

they have an evidentiary objection in which they shall quote the specific language from the declaration to which they object, followed by the objection and any relevant argument.

Counsel shall meet and confer in person and attempt to resolve the objections to the declarations. For each declaration to which there is an objection, counsel shall file a separate joint statement by noon on the sixth calendar day before trial in the following format:

Joint Statement Re: Objections to Witness Jane Doe

The parties were able to resolve the objections as to the following testimony: [name of witness, declaration paragraph and line].

The parties were not able to resolve the objections as to the following testimony:

Disputed Testimony [name of witness, declaration paragraph and line, followed by quote of the disputed testimony]

Plaintiff's/Defendant's Grounds for the Objection: [Cite the basis for the objection and the argument].

Plaintiff's/Defendant's Response to the Objection:

In conjunction with the joint statement, Counsel shall also file a separate "Ruling Chart" for each witness in the following format:

Plaintiff's/Defendant's Objections to Declaration of Jane Doe

Testimony	Objection	Ruling
Doe ¶ 3, 1:25-2:3	Fed. R. Evid. 602	

1        Courtesy Copies of the evidentiary objections, Joint  
2        Statements, and Ruling Chart shall be provided to the Court in  
3        accordance with Section 3 of the Court's Standing Order. **DO**  
4        **NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE OPPOSING**  
5        **PARTY'S WITNESS DECLARATIONS. THESE WILL BE DISREGARDED AND**  
6        **OVERRULED.**

7        At trial, the Court will rule on the evidentiary  
8        objections and, depending upon the ruling, the declarations  
9        will be received in evidence, either in whole or in part, or  
10       rejected. Counsel will then conduct the cross-examination and  
11       re-direct examination at trial.

12       Failure to comply with the terms of this Order will  
13       result in sanctions or the Court may refuse to allow that  
14       witness to testify.

15       **(b) Trial Briefs**

16       Counsel for each party shall file and serve a trial  
17       brief, not to exceed 15 pages in length, fourteen calendar  
18       days before trial.

19       **(c) Findings of Fact and Conclusions of Law**

20       Counsel for each party shall file and serve initial  
21       proposed findings of fact and conclusions of law fourteen  
22       calendar days before trial. Counsel for each party shall also  
23       e-mail a copy of their proposed findings of fact and  
24       conclusions of law to the Chambers' e-mail address  
25       (JFW\_Chambers@cacd.uscourts.gov) on the date due. Counsel for  
26       each party shall then:

- 27                (1)       Underline in red the portions which it  
28                        disputes;

(2) Underline in blue the portions which it  
admits; and

(3) Underline in yellow the portions which it does  
not dispute, but deems irrelevant.

Counsel may agree with a part of a finding or conclusion,  
disagree with a part of it, and/or consider a part of it  
irrelevant.

The marked copy of opposing counsel's proposed findings  
of fact and conclusions of law shall be filed with the Court  
and served on opposing counsel eight calendar days before  
trial. Courtesy Copies shall be provided to the Court in  
accordance with Section 3 of the Court's Standing Order.

#### **8. SETTLEMENT**

This Court will not conduct settlement conferences in  
non-jury cases which the Court will try unless counsel for all  
parties and their respective clients agree either in  
writing or on the record. In jury cases, the Court will  
conduct a settlement conference at the parties' joint request  
if three conditions exist: (1) the parties are satisfied that  
the fact issues in the case will be tried to a jury; (2) all  
significant pre-trial rulings which the Court must make have  
been made; and (3) the parties desire the Court to conduct the  
conference, understanding that if settlement fails, the Court  
will preside over trial of the case.

The parties must file a Status Report re: Settlement at  
the time they lodge the Proposed Pre-Trial Conference Order.  
The Status Report shall include the name and phone number of

1 the Settlement Officer who assisted the parties with their  
2 settlement conference.

3 **Caveat:** If counsel fail to cooperate in the preparation  
4 of the required Pre-Trial documents, fail to file the required  
5 Pre-Trial documents, or fail to appear at the Pre-Trial  
6 Conference and such failure is not otherwise satisfactorily  
7 explained to the Court: (1) the cause shall stand dismissed  
8 for failure to prosecute if such failure occurs on the part of  
9 the plaintiff; (2) default judgment shall be entered if such  
10 failure occurs on the part of the defendant; or (3) the Court  
11 may take such action as it deems appropriate.

12  
13 IT IS SO ORDERED.

14 DATED: April 21, 2025

15   
16 \_\_\_\_\_  
17 JOHN F. WALTER  
18 UNITED STATES DISTRICT JUDGE  
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**JUDGE JOHN F. WALTER  
SCHEDULE OF TRIAL AND PRE-TRIAL DATES**

<b>Matter</b>	<b>Time</b>	<b>Weeks before trial</b>	<b>Plaintiff(s) (Request)</b>	<b>Defendant(s) (Request)</b>	<b>Court Order</b>
<b>Trial (court)</b> Estimated length: <u>1</u> day	8:30 am				2/3/26
<b>[Jury trial] Hearing on Motions in Limine; Hearing on Disputed Jury Instructions</b>	8:00 am				X
<b>[Court trial] Hearing on Motions in Limine</b>	8:00 am				X
<b>Pre-Trial Conference (File Proposed Voir Dire Qs and Agreed-to Statement of Case three days prior to PTC)</b>	8:00 am				waived
<b>Submit Pre-Trial Conf. Order; File Motions in Limine; Memo of Contentions of Fact and Law; Pre-Trial Exhibit Stipulation; Summary of Witness Testimony and Time Estimates; File Status Report re: Settlement; File Agreed Upon Set of Jury Instructions and Verdict Forms; File Joint Statement re Disputed Instructions, Verdicts, etc.</b>					X
<b>Last day for hearing motions *</b>	1:30 pm				12/1/25
<b>Discovery cut-off</b>					N/A

**ADDITIONAL MATTERS TO BE DETERMINED AT SCHEDULING CONFERENCE**

<b>Last day to conduct Settlement Conference/Mediation</b>					6/23/25
<b>Last day to file Joint Report re: results of Settlement Conference/Mediation</b>					6/27/25

\* Motions for class certification shall be filed within 120 days after service of a pleading purporting to commence a class action (or, if applicable, within 120 days after service of the Notice of Removal), unless otherwise ordered by the Court.